

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

**COMMONWEALTH OF PUERTO RICO
AND ITS POLICE DEPARTMENT,**

Defendants

**GREGORIO IGARTUA
AS AMICUS CURIAE**

Civil Action No. : 12-2039 (JAG)

MOTION FOR LEAVE TO APPEAR AS AMICUS CURIAE

To the Honorable Court:

Comes now, Gregorio Igartua, the undersigned attorney, and very respectfully

STATES and PRAYS:

1. This case involves an action by the United States of America against the Government of Puerto Rico, which is considered by Plaintiff, for purposes of this complaint, as a non-incorporated territory. The U.S Government's stance in the pleading of the original complaint (#10) constitutes a discriminatory practice that affects the legal rights of the 3.8 American Citizens residents of Puerto Rico, which has serious social, economic, political, and legal consequences. Moreover, it is in opposition to this Court's position that Puerto Rico is an incorporated territory in *Consejo de Salud de Playa de Ponce v. Rullan* 586 FS 2nd 22 (2008).

2. Plaintiff amended the complaint and excluded pleading #10 stating their position regarding the incorporation issue. Notwithstanding, from a reading of the amended complaint as a whole, it is evident that its pleadings and discriminatory assertions are still premised on the assumption that Puerto Rico is a non-incorporated territory. Consequently, the incorporation issue remains at the heart of the instant case and, thus, must be properly disposed of by the Honorable Court. The American Citizens residents of Puerto Rico have a substantial interest in the resolution of this issue.

3. In response to the invitation of this Honorable Court by Order of December 3, 2012, the undersigned attorney, Gregorio Igartua, an American Citizen resident of Aguadilla, Puerto Rico, respectfully requests permission to appear in the instant case and file a Brief as Amicus Curiae.

4. Petitioner's appearance is limited to the incorporation issue; particularly in support of Puerto Rico's legal status as an incorporated territory of the United States. It is only within that legal context that Defendant, the Government of Puerto Rico, can meet the cost of implementing the demands stated and remedies requested in the pleadings of the amended complaint.

5. To meet procedural requirements the appearing attorney has included those professional credentials supporting knowledge of the issue of incorporation as Appendix I to this Motion.

6. The proposed Amicus Curiae Brief is attached hereto as Appendix II.

7.

WHEREFORE, the herein appearing attorney respectfully requests this Honorable Court to grant this request for appearance and for leave to file the accompanying Brief as Amicus Curiae.

RESPECTFULLY SUBMITTED,

In San Juan, Puerto Rico this 26th day of March, 2013.

s/ Gregorio Igartua

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CERTIFICATE OF SERVICE

I hereby certify that on March, 26th, 2013, a copy of the foregoing and Appendixes II and III were filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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